

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Shota Murakami et al.	Art Unit :	3617
Serial No.:	10/574,977	Examiner :	Jason R. Bellinger
Filed :	April 7, 2006	Conf. No. :	5933
Title :	PIN ASSEMBLY OF TRACK ROLLER BOGIE IN CRAWLER TYPE TRAVELING APPARATUS AND CRAWLER TYPE TRAVELING APPARATUS WITH THE ASSEMBLY		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR 1.103(a)

Applicants hereby request suspension of prosecution of the present application for a period of six (6) months for good and sufficient cause. The present application is a U.S. national stage application of PCT/JP2004/014732 ("the PCT application") filed on 10/6/2004, which is a continuation application of U.S. Application Serial No. 10/683,269 ("the '269 application") filed on 10/14/2003. The present application improperly claimed the benefit of priority of the '269 application by failing to include a priority claim either in the Specification or in an Application Data Sheet, as required by 37 C.F.R. § 1.78, within four months of the first notice received under 35 U.S.C. § 371. Because the claim to priority was improper, the '269 application became available as prior art under 35 U.S.C. § 102(e), and all pending claims in the present application were rejected as being anticipated by the '269 application. Per the Examiner's suggestion, a petition for inclusion of an unintentionally delayed priority claim was filed and is currently pending. A suspension of action by the Office is respectfully requested until the petition is decided for the following reasons.

A final office action in this case was mailed on December 17, 2008. After the filing of two petitions to include an unintentionally delayed priority claim, a third petition was filed on December 19, 2008. Communications with Officer Andrea Smith, the officer at the Office of Petitions examining this petition, as recently as March 9, 2009, indicate that this petition is on the verge of being allowed. However, Officer Smith has since been unreachable to provide an update on the status of the petition. The Office of Petitions indicated that the period to mail a decision on the petition can be between four

and six months. Thus, a decision on the petition may not be available until after the expiration of the statutory period within which a response to the Office Action must be filed.

To avoid potential abandonment of the application under such a scenario, a suspension of action by the Office is respectfully requested. This petition is filed in consultation with and based on the recommendation of Examiner Jason Bellinger, who is the examiner for the present application.

Please apply the petition fee in the amount of \$200, and any other charges or credits, to Deposit Account No. 06 1050.

Respectfully submitted,

Date: March 17, 2009

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